

01-10895  
USDC/MA  
Tauro, J.

**United States Court of Appeals**  
**For the First Circuit**

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No. 03-2087

JAMES GILLESPIE and DEBORAH GILLESPIE,

Plaintiffs, Appellees,

v.

SEARS, ROEBUCK & COMPANY and  
EMERSON ELECTRIC COMPANY,

Defendants, Appellants.

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**JUDGMENT**

Entered: October 6, 2004

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts, and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The judgment of the district court is vacated, and the case is remanded for further proceedings consistent with the opinion issued this day.

Certified and Issued as Mandate  
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

  
Deputy Clerk

Date: OCT 27 2004

By the Court:



Richard Cushing Donovan, Clerk

[Certified copies to Hon. Joseph L. Tauro and Mr. William Ruane, Acting Clerk, United States District Court for Massachusetts. Copies to Mr. Boesch, Mr. Flynn, and Mr. Barry.]